

Remarks/Arguments

The Office Action mailed September 15, 2008 has been reviewed and the comments therein were carefully considered. Claims 1-24, 28-32 and 37-39 are currently pending and stand rejected. Claims 1, 7, 12, 23, 30, 31, and 39 are amended. Claims 5, 10, and 16 are cancelled.

Claim Rejections Under 35 USC §103

Claims 1-4, 7, 10-15, 17-19, 23, 24, 28-32, 37 and 38 stand rejected under 35 USC §103(a) as being unpatentable over Macrae, et al., (Macrae) (WO 98/17064 A1) (of record) in view of Helmy et al. (Helmy) (5,937,329). Applicant traverses this rejection.

Macrae discloses a method of displaying an icon providing a link to a website related to a television programme during the television programme. The website address and icon information are provided in the television signal. The website can be accessed by selecting the icon. The Examiner concedes that Macrae fails to disclose the features of the independent claims of "receiving a user preference not to display the information service during display of the television programme service" and "overriding" the user preference in response to detection of a code identifying link information for display during the television programme service". However, the Examiner argues that these features would be obvious based on Helmy.

Helmy discloses a system for providing community interest messages to subscribers to broadcast satellite services. Messages are downloaded to the receiver which causes them to be displayed on the television display in addition to whatever video signal is being displayed. It is disclosed in column 5 that "[a] mechanism may be provided which allows the message centre, the satellite provider, and the subscriber to enable and disable the display of messages, thereby also allowing each of these parties to select preferred times to display messages. An override mechanism may also be provided which allows important messages to be displayed notwithstanding the fact that message display has been disabled by one or more of the above identified parties". The message comprises a plurality of fields, including a repeat field indicating the preferred number of times which the message is to be repeated on the display. "The number of repeats field in the message format may be used to indicate an override status for that message. A NULL value in the repeat field may be used to indicate that the message is to

be displayed notwithstanding either of the enable/disable registers SUB-MER or SAT-MER having a DISABLE state".

Applicant asserts that neither Macrae nor Helmy, either separately or combined, disclose teletext services, as recited in the amended claims. Further, Applicant asserts that that neither Macrae nor Helmy disclose that the link information is provided in *teletext subtitles lines*.

Applicant also asserts that that the user preference that is overridden is a user preference not to display teletext subtitles, as required by the amended claims. In Helmy, the user preference is overridden in response to detection of a specific code (NULL) in a field in the message. This code does not specify link information, as required by the claims. Consequently, Helmy does not disclose or suggest overriding a user preference in response to detection of a *code specifying link information*. Furthermore, Helmy does not disclose or suggest overriding a user preference *not to display teletext subtitles* of a teletext service. Consequently, Helmy does not cure the deficiencies of Macrae. None of the other cited references make up for the deficiency either. Accordingly, Applicant asserts that the claims as amended are allowable.

Applicant notes that no explanation was provided for the rejection of Claim 5. Also, Applicant notes that a rejection was provided for Claim 37, which was previously cancelled, however Applicant presumes this is simply an oversight and no response is necessary.

Conclusion

Applicant respectfully requests entry of the amendments to the claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Applicant believes there is no fee due in association with the filing of this response, however, should there be any fees due the Commissioner is hereby authorized to charge any such fees or credit any overpayment of fees to Deposit Account No. 19-0733.

Respectfully submitted,

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